

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 07, 2025

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eric Alexander Benka

Case Number: 0980 2:18CR00170-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99224

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: September 12, 2019

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2552A(a)(2), (B)(1)

Original Sentence: Prison - 60 months
TSR - 120 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: October 3, 2023

Defense Attorney: Adrien Lindsay Fox

Date Supervision Expires: October 2, 2033

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on December 4, 2024.

On October 5, 2023, the offender's conditions of supervised release were reviewed by the probation officer and he signed said conditions acknowledging he understood his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #14: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 14 by ingesting a controlled substance, marijuana, on or about November 7, 2024.

On November 7, 2024, Mr. Benka submitted a urine specimen at Pioneer Human Services (PHS) that returned presumptive positive for marijuana. At that time, he signed an admission/denial form indicating he last used marijuana on or about October 31, 2024.

The probation officer requested an interpretation report to determine if the aforementioned urinalysis test was for new marijuana use. According to Alere Toxicology Services, the above-referenced drug test result was determined to be from new use.

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- 5 **Special Condition #14:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 14 by ingesting a controlled substance, marijuana, on or about November 21, 2024.

On November 21, 2024, Mr. Benka submitted a urine specimen at PHS that returned presumptive positive for marijuana. At that time, he signed an admission/denial form indicating he last used marijuana on or about October 31, 2024.

The probation officer requested an interpretation report to determine if the aforementioned urinalysis test was new marijuana use. According to Alere Toxicology Services, the above-referenced drug test result was determined to be from new use.

- 6 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: The offender is alleged to have violated standard condition number 13, by failing to follow the probation officer's instructions.

On October 5, 2023, the probation officer reviewed the substance abuse testing instructions with the offender. At that time, he was instructed to not adulterate his urine specimens in order to pass his drug screens.

On December 5, 2024, this officer questioned Mr. Benka regarding several urinalyses that were dilute. At that time, he admitted to ingesting fruit pectin in an effort to pass his urinalysis tests. Mr. Benka was reprimanded and he was instructed to cease use of said product immediately.

- 7 **Special Condition #14:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 14 by ingesting a controlled substance, marijuana, on or about December 16, 2024.

On December 16, 2024, Mr. Benka submitted a urine specimen at PHS that returned presumptive positive for marijuana. At that time, he signed an admission/denial form indicating he last used marijuana on or about October 31, 2024.

The probation officer requested an interpretation report to determine if the aforementioned urinalysis test was new marijuana use. According to Alere Toxicology Services, the above-referenced drug test result was determined to be from new use.

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Standard Condition #13: You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: The offender is alleged to have violated standard condition number 13 by failing to follow the probation officer's instructions.

On October 5, 2023, and July 2, 2024, Mr. Benka was instructed to not obtain any device capable of accessing the Internet without first obtaining permission from the probation officer.

On December 20, 2024, this officer made contact with Mr. Benka at his residence. At that time, Mr. Benka asked the probation officer if he could obtain a tablet, which he planned to utilize for his artwork. During the discussion, Mr. Benka admitted he had already purchased and received a tablet. He further acknowledged he was aware he was not allowed to be in possession of said device without the permission of the probation officer. Mr. Benka explained that he gave the device to his mother and he blamed his behavior on his lack of impulse control. Mr. Benka's mother was present during the home contact and she confirmed the device was in her possession.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

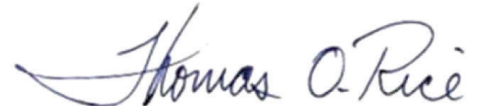
Executed on: January 6, 2025

s/Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
☒ Defendant to appear before the Judge assigned to the case.
☐ Defendant to appear before the Magistrate Judge.
☒ Other: The hearing scheduled for 1/8/2025 remains set.



Signature of Judicial Officer

January 7, 2025

Date